



DEPARTMENTAL GENERAL ORDER

I-###: ACNTF SURVEILLANCE AIRPLANE

Effective Date:

Coordinator: Electronic Services Unit, Special Operations Division

ALAMEDA COUNTY NARCOTICS TASKFORCE SURVEILLANCE AIRPLANE

The purpose of this order is to establish Departmental policy and procedures for the use of Unmanned Aerial Systems.

I. VALUE STATEMENT

The purpose of this policy is to establish guidelines for the Oakland Police Department's use of Alameda County Narcotics Task Force (ACNTF) use of an airplane for the storage, retrieval, and dissemination of images and data captured by the ACNTF airplane.

II. DESCRIPTION OF THE TECHNOLOGY

A. Surveillance Airplane Components

ACSO maintains a fixed wing aircraft capable of piloted flight. The airplane consists of:

- Standard flight equipment and instrumentation
- A high-resolution camera with zoom capabilities
- A FLIR camera for infrared nighttime viewing with recording capabilities.
- Radio Communications Equipment
- GPS Mapping Equipment

B. Purpose

ACSO provides the airplane for use with ACNTF investigations to support investigations where ground-based vehicles cannot provide taskforce officers necessary views. The airplane has greater access for some rural areas and

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provides an aerial view not possible from ground-based vehicles. The airplane also allows viewing where officer safety is maintained in the case of investigations involving suspects considered to be highly dangerous.

C. How the System Works

1. The airplane works as a standard piloted airplane. The video and FLIR Camera operate via on/off switches accessible to the pilot.

III. GENERAL GUIDELINES**A. Authorized Use**

1. ACSO authorizes use in conjunction with ANCTF-authorized investigations.
2. The ACSO-owned and piloted airplane can only be used with authorization from the ACNTF Commander.
3. Allowed Uses

OPD personnel participating in the ACNTF shall only request that the airplane be used and/or accept information derived, from the following use cases:

- a. Felony investigations involving illegal narcotics trafficking and/or illegal firearms usage and trafficking.
- b. Weapons of mass destruction or other substance that could cause a major impact to the safety of the public, following violent felons, potentially save life during critical situations, such as child abductions/kidnapping and assist evacuations during natural catastrophe, missing persons, fires and rescue operations.

4. Deployment Authorization

- a. Deployment of ACNTF Airplane
 - i. The ACNTF Commander and/or ACSO Sheriff may approve all uses of the ANCTF Airplane.

5. Deployment Logs

- a. ACSO personnel are responsible for maintaining flight log records, including area travelled, altitudes reached, fuel usage.
6. ACNTF personnel onboard during flight shall maintain separate data regarding ACNTF investigations. **Privacy Considerations**
 - a. Operators and observers shall adhere to Federal Aviation

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Administration (FAA) altitude regulations.

- b. Operators and observers shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g. residence or enclosure). When the airplane is being flown, operators will take steps to ensure the equipment cameras are focused on the areas necessary to the mission and to minimize the inadvertent collection of data about uninvolved persons or places.
- c. Any data generated from the use of the use of the airplane shall be maintained by participating ACNTF personnel according to ACSO and/or other ACNTF law enforcement partner agency crime investigation protocols.

B. Restricted Use

- 1. The airplane shall not be equipped with any weapon systems or analytics capable of identifying groups or individuals, including but not limited to facial recognition or gait analysis.
- 2. OPD shall not request that the ACNTF airplane be used for any situation not stipulated by III.A.3 “Allowed Uses” defined above.
- 3. OPD shall not request any information derived from the use of the surveillance airplane which does not align with III.A.3 “Allowed Uses” above. If OPD personnel possess any information which is not an approved use, then OPD ACNTF member will notify the Bureau of Investigations Deputy Chief and obtain permission to destroy any evidence received from the use of the airplane that does not comply with Section III.A.3.

IV. ACNTF Airplane DATA

A. Data Retention

Any data generated from the use of the use of the airplane shall be maintained by participating ACNTF personnel according to ACSO and/or other ACNTF law enforcement partner agency crime investigation legal requirements.

B. Data Access

The ACNTF Commander, who is an employee of the Alameda County Sheriff’s Office (ACSO) shall ensure ACNTF surveillance airplane data security and access. Direct requests to ACNTF for

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airplane-derived information shall follow ACSO procedures including making request in writing including a need and right to know. OPD personnel shall follow the following procedures for any requests for surveillance-airplane-derived information provided by ACNTF to OPD:

1. Information may only be shared with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law.
2. The agency makes a written request for the OPD information which includes:
 - a. The name of the requesting agency.
 - b. The name of the individual making the request.
 - c. The basis of their need for and right to the information.
 - d. A right to know is the legal authority to receive information pursuant to a court order, statutory law, or case law. A need to know is a compelling reason to request information such as direct involvement in an investigation.
 - e. The request is reviewed by the Chief of Police, Assistant Chief of Police, or Deputy Chief/ Deputy Director or designee and approved before the request is fulfilled.
 - f. The approved request is retained on file, and incorporated into the annual report pursuant to Oakland Municipal Code Section 9.64.010 1.B.

D. Data storage, access, and Security

The ACNTF Coordinator and all participating agencies shall ensure that all data derived from the use of the airplane are responsible to the law and their policies to secure their data according to standard law enforcement criminal investigation data protection standards.

OPD will secure any data collected from the ACTNF airplane equipment in accordance with OPD evidence retention requirements.

E. Public Access

Data which is collected and retained under subsection B of this section is considered a “law enforcement investigatory file” pursuant to Government Code § 6254 and shall be exempt from public disclosure. Members of the public may request data via public records request

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pursuant to applicable law regarding Public Records Requests as soon as the criminal or administrative investigations has concluded and/or adjudicated.

V. ACNTF AIRPLANE ADMINISTRATION

A. System Coordinator / Administrator

1. The ACNTF Commander will be responsible for the management of the ACSO-owned ACNTF surveillance airplane.

B. Maintenance

ACSO personnel shall be responsible for all airplane maintenance.

C. Training

ACSO personnel will be responsible for any needed training of ACNTF personnel who participate in surveillance airplane flights as well as how to document information.

D. Auditing and Oversight

OPD will bring forward an annual report that covers ACNTF airplane usage in compliance with the annual report requirements of OMC 9.64 (Surveillance Technology Ordinance). It is understood that ACSO personnel produce an annual report in compliance with the Commission on Accreditation for Law Enforcement Agencies (CALEA). This document is not public document; however, it may be subject to a public records request through the ACSO public records request process.

By Order of

LeRonne L. Armstrong

Chief of Police

Date Signed: